

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

GIACOMO NOVIELLI,	:	Civil No. 10-2830 (JLL)
Plaintiff,	:	
v.	:	
HUDSON COUNTY CORRECTIONAL	:	<u>ORDER</u>
CENTER, JOHN DOE (1-12) and XYZ	:	
CORPORATION (1-12),	:	
Defendant.	:	

LINARES, District Judge.

This matter comes before the Court on Plaintiff's submission of a civil Complaint and an application to proceed in forma pauperis. The Court has reviewed the submissions and finds that:

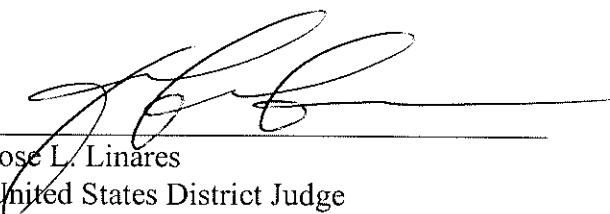
1. Plaintiff did not prepay the \$350.00 filing fee for a civil action as required by Local Civil Rule 54.3(a). Rather, Plaintiff submitted an application to proceed without the prepayment of this fee.
2. Plaintiff's application stated that his household income, from his spouse's employment, is \$4,400 per month, and that he and his wife support three children under the age of eighteen. His affidavit states that his monthly expenses total \$5,278.00, including \$300.00 per month for recreation, entertainment, etc. His application also states that he owns a house valued at \$450,000. The affidavit lists no other assets, nor does it offer any detail of the source of other funds he uses to pay for all of his monthly expenses.

3. For a Court to grant in forma pauperis status to a litigant, the litigant “must establish that he is unable to pay the costs of his suit.” Walker v. People Express Airlines, Inc., 886 F.2d 598, 601 (3d Cir. 1989). However, “[t]he Supreme Court has held that a plaintiff need not ‘be absolutely destitute to enjoy the benefit of the statute.’” Chatman v. Allegheny County, 144 Fed. Appx. 216, 217 (3d Cir. 2005) (unpublished decision) (quoting Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 339 (1948)).
4. Here, this Court finds that Plaintiff has made an inadequate showing of why he is unable, with an income of \$4,400 per month and a home of substantial value, to remit the \$350.00 filing fee for a civil action as required by Local Civil Rule 54.3.

It is, therefore, on this 28th day of June, 2010,

ORDERED that Plaintiff’s application to proceed in forma pauperis is DENIED; and it is further

ORDERED that, on or before July 26, 2010, Plaintiff is hereby directed to remit the \$350.00 filing fee or submit an amended in forma pauperis application demonstrating why he is unable to remit this fee. Failure to do so will result in the Complaint being deemed withdrawn and the Clerk of the Court closing its file in this matter.



Jose L. Linares
United States District Judge